

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RECEIVED
U.S. DISTRICT COURT
MASSACHUSETTS
JULY 22 2005

MARLENE JOHANSEN,)
Plaintiff,)
Counterclaim Defendant)
v.)
UNITED STATES OF AMERICA,)
Defendant,) Case No. 04-11789-RCL
Counterclaim Plaintiff)
v.)
NATIONAL CITY MORTGAGE CO.,)
And TIMOTHY BURKE,)
Counterclaim Defendants)
)

MOTION FOR STAY PENDING APPEAL

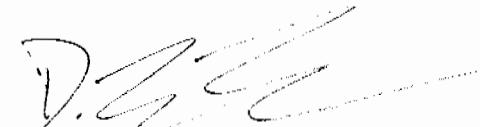
Pursuant to Fed. R. App. P. Rule 8(a), Applicant for Intervention, Ralph Johansen ("Mr. Johansen"), respectfully requests that this Court grant a stay of the proceedings in this case pending appeal of this Court's Order of July 22, 2005 denying Mr. Johansen's Motion to Intervene.

This case concerns the United States' attempts to collect Mr. Johansen's tax liability from real estate that the United States claims Mr. Johansen fraudulently conveyed to his ex-wife pursuant to an Order from the Massachusetts Family and Probate Court. This Court denied Mr. Johansen's Motion to Intervene on the basis that the United States has not waived sovereign immunity.

In support of this motion, Mr. Johansen relies on his Memorandum in Support of Motion for Stay Pending Appeal filed simultaneously with this motion.

WHEREFORE, Mr. Johansen, for the reasons stated above, respectfully requests that this Court grant the Motion for Stay Pending Appeal and any other relief deemed appropriate by this Honorable Court.

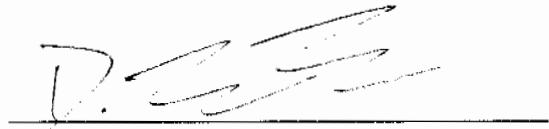
Ralph Johansen,
By his Attorney,


D. Sean McMahon, Esq.
BBO# 567542
Law Office of Meilman &
Costa, P.C.
70 Wells Ave., Suite 200
Newton, MA 02459
Phone: (617) 969-9500
Fax: (617) 969-0030

August 5, 2005

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

Counsel for Applicant for Intervention Ralph Johansen hereby certifies that he conferred by telephone with counsel for the United States, Stephen J. Turanchik, and counsel for Marlene Johansen, Timothy J. Burke, and with Timothy J. Burke on August 4 and 5, 2005. No agreement can be reached on narrowing or resolving the issue before the Court.



D. Sean McMahon, Esq.

CERTIFICATE OF SERVICE

I, D. Sean McMahon, Esq. hereby certify that on August 5, 2005 I served a true copy of the foregoing document upon each attorney of record via first class mail, postage paid to the following:

Timothy J. Burke, Esq. Burke & Associates 400 Washington Street, Suite 303 Braintree, MA 02184	Stephen J. Turanchik, Esq. Trial Attorney, Tax Division U.S. Department of Justice P.O. Box 55 Ben Franklin Station Washington, DC 20044
Richard A. Oetheimer Goodwin Procter, LLP Exchange Place 53 State Street Boston, MA 02109-2881	



D. Sean McMahon, Esq.